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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,296	09/20/2001	Gregory J. Ward	12598.0074.CPUS00/LUD	2155

7590 12/13/2002
HOWREY LLP
P.O. Box 4433
Houston, TX 77210-4433

EXAMINER

MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 12/13/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

*John Ford
Forry*

Office Action Summary

Applicati n No.

09/964,296

Applicant(s)

WARD ET AL.

Examiner

Virginia Manoharan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: copies of forms 892 and 1449.

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application-by-application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: The Application Serial No., the filing date and status of the parent application are missing from the declaration in claiming priority under 35 USC 120. The above informations were claimed under 35 USC 119. Applicants should also update the status of the parent application indicated at page 1 of the specification.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors e.g. typographical, grammar, idiomatic, syntax, and etc. Applicants' cooperations are requested in correcting any errors of which applicants may become aware in the specification.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claims 2-5 and claims 9-11 "where" should be—wherein—since the latter is the term normally used in patent claims.

b. The claimed ". said acetonitrile side stream.." and "the acetonitrile from said absorber bottoms stream" lack antecedent supports. See claims 6 and 7.

(At least, the apparent inconsistency in the terminology used in the claims is improper, i.e., acetonitrile stream" in claim 5 as opposed to "said acetonitrile side stream in claims 6 and 7. Also, that the acetonitrile is obtained from the absorber bottoms streams was not initially recited in the base claim 1).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lovett in view of Borrel.

Lovett discloses in column 3, lines 52-68 thru column 4, lines 1-47, a method for the recovery of acrylonitrile, wherein a cooled, quenched acrylonitrile effluent is passed to an absorber and the absorber stream passed to a single recovery and stripper column as claimed. The process of Lovett differs from the claimed invention in that claim 1, for example, recites generating e.g., a lean waterside stream from the absorber bottoms stream in the single recovery and stripper column and a recovery and stripper bottoms stream that comprises organic impurities without an enrichment column.

However, to obtain a water side stream in the column of Lovett would have been obvious to one of ordinary skill in the art since Borrel provides a teaching, shown in the drawing, that one could obtain a sidestream in a single column; and since Lovett suggests at column 7, lines 20-41, that water (secondary solvent) is withdrawn from the midpoint location of the solvent stripper, and further suggests that the addition and withdrawal points for water streams to the recovery column and from the solvent stream may vary.

Lovett in combination with Borrel also render obvious the claimed. "System for the recovery of pure acrylonitrile from an ammoxidation reactor effluent stream

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comprising; (a) an ammoxidation reactor; (b) an absorption column, and (c) a single recovery and stripper column, the system not including an enrichment column" as broadly claimed in claim 8.

It is noted that Lovett and Borrel did not mention an enrichment column and therefore would both read on the negative provision not including an enrichment column in claims 1 and 8.


Claims 9-11 do not define any elements of an apparatus and accordingly, cannot be distinguished from the prior art in the structural sense.

Any inquiry concerning this communication from the examiner should be directed to V. Manoharan whose telephone number is (703) 308-3844. The examiner can generally be reached on Tuesday--Friday from 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola reached on (703) 308-6824. The fax phone numbers for the organization where this application is assigned are (703) 872-9311 for regular communications and (703) 308-0651 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

V. Manoharan/dh
December 12, 2002


VIRGINIA MANOHARAN
PRIMARY EXAMINER
ART UNIT 1764
12/12/02